

## **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF TEXAS  
 TEXARKANA DIVISION

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CHAD MCCUNE, ET AL.,

Plaintiffs,

Versus

GRACO CHILDREN'S PRODUCTS,  
 ET AL.,

Defendants.

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Case No.  
 5:2009cv00107

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DEPOSITION OF WILLIAM PAUL CUMMINGS  
 NOVEMBER 4, 2010

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TAKEN BEFORE Teresa L. Hollingsworth,  
 Certified Court Reporter, Certificate No. 537,  
 Bushman Court Reporting, 620 West Third Street,  
 Suite 101, Little Rock, Arkansas, on November 4,  
 2010, at the Arkansas Bar Center, 2224 Cottondale  
 Lane, Little Rock, Arkansas commencing at  
 9:14 a.m.

Page 6

MR. FIELDS: Ben Fields on behalf  
of Jason McCune and his family.

THE WITNESS: William Paul  
Cummings.

WILLIAM PAUL CUMMINGS

The witness hereinbefore named, having  
first been duly cautioned and sworn or affirmed to  
tell the truth, the whole truth, and nothing but  
the truth testified as follows:

# EXAMINATION

BY MS. OERTLE:

Q. Sir, you mentioned your name a minute ago,  
but now that we are on the record, could you tell  
us your name again?

A. Sure. William Paul Cummings.

Q. Mr. Cummings, where do you live?

A. 3000 Gemstone Cove, Sherwood, Arkansas  
72120.

Q. What is your birthday?

A. February 11th, 1969.

Q. Mr. Cummings, you understand we're here  
today about an accident that happened back in July  
of 2007?

A. Yes.

Q. Were you a witness to that accident?

Page 8

weekend travel folks where -- you know, at the  
beginning of the weekend folks are going north,  
you know, going north and going up to Branson and  
after the weekend is over quite a few folks coming  
home, and I-65 will go anywhere from two to four  
lanes, you know. Actually, more like two lanes to  
three because quite a few areas one segment of the  
road will widen up to two lanes while the opposing  
traffic only has one lane.

Q. And how was the traffic around the Damascus  
area where the accident occurred?

A. Well, it had -- through Damascus as I recall  
it had opened up into four lanes. So, I mean, it  
is still pretty congested because everybody was  
trying to, you know, people were trying to jockey  
for position, if you will, trying to get ahead of  
the slower traffic and still not get caught by the  
Damascus police.

Q. Do you remember around what time of day the  
accident occurred?

A. It was afternoon. I don't know -- I don't  
remember the exact time, but I know it was -- I am  
wanting to say -- I would fathom a guess it was  
about 2 or 3 o'clock.

Q. Still daylight?

Page 7

A. Yes.

Q. Do you have an independent memory of that  
accident as we sit here today?

A. I recall quite a bit of it.

Q. Let's back up a little bit before we get to  
the accident and tell me who you were traveling  
with on the day of the accident?

A. My wife Jennifer Ray Cummings and I were  
riding in the same vehicle in the front seats.

Q. Where were you headed to and from?

A. Well, we had been in Branson and we were  
coming down south on Interstate 65 and had just  
left Damascus going towards -- our final  
destination was home.

Q. You were traveling southbound, you say?

A. Correct.

Q. What vehicle were you in that day?

A. Her maroon 2000 model Ford Focus.

Q. What -- that was a Sunday?

A. Yes.

Q. What was the weather like that day?

A. It was clear and sunny.

Q. How was the traffic level on I-65?

A. It was pretty congested. Interstate 65  
coming from Branson, there is quite a bit of

Page 9

A. Yes. Very much so.

Q. Were you the one driving?

A. Yes.

Q. Tell me what you saw in terms of the  
accident?

A. We had just come out of Damascus and the  
black Ford Sport Trac was probably about 500  
yards, 4 or 500 yards ahead of us, and they were  
nearing the bottom of the hill and there was a  
farm tractor in the right-hand slow lane, and you  
know, I don't recall seeing brake lights or any  
effort to get into the fast lane to go around the  
vehicle, and I saw her strike the vehicle and  
pieces and parts go everywhere.

Q. Which lane of traffic was the tractor in?

A. He was in the slow lane.

Q. Not on the shoulder?

A. No.

Q. Which lane of traffic were you in?

A. I was in the slow lane.

Q. In the right lane?

A. Correct.

Q. Which lane of traffic was the Ford Sport  
Trac?

A. Again, in the right-hand or the slow lane.

3 (Pages 6 to 9)